IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1967 of 2026
CNR No. ODHC010879662026

1) Satyabhama Sethy **.....** ***Petitioners***
2) GAGAN BIHARI SETHY
Represented by Adv.
- Mamata Mishra

-versus-

1) LAXMIDHAR SETHY **.....** ***Opposite Parties***
2) CHANDRAMANI SETHY
Represented by Adv. -

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
11.11.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.

3. By filing the present CMP application under Article 227 of the Constitution of India, the Defendant in C.S. No.51 of 2024 pending in the Court of learned Senior Civil Judge, Jajpur Road has approached this Court thereby challenging the impugned order dated 14.10.2026 passed in the abovenoted suit on an application of the Plaintiff dated 21.03.2026 with a prayer to send the admitted signature of Plaintiff No.1 available in the plaint, Vakalatnama and his evidence as P.W.1 in the suit to the handwriting expert in the State Forensic Science Laboratory situated at Rasulgarh, Bhubaneswar for comparison with the disputed signature appearing

in the original R.S.D. bearing No.2085 dated 07.07.2000.

4. Learned counsel for the Petitioner at the outset contended that the Opposite Party, as the Plaintiff, filed a suit for declaration of right, title, interest and for a declaration that the sale deed dated 07.07.2000 is a void deed. During the pendency of the aforesaid suit, the Defendants filed an application on 21.03.2026 with the prayer to send the signature of the Plaintiff No.1 for verification by the handwriting expert and for comparison of such disputed signature of the Plaintiff No.1 as it appears in the disputed sale deed dated 07.07.2000 with the admitted signature of the Plaintiff No.1 and to call for a report from such handwriting expert before proceeding further in the suit. Such application having been rejected by the learned trial Court, the Defendant has approached this Court by filing the present CMP application.

5. Learned counsel for the Petitioner, at this stage, contended that the crux of the suit is the disputed sale deed dated 07.07.2000. She further submitted that the Plaintiff no.1 namely, one Laxmidhar Sethy has never signed the disputed sale deed as a witness. Further, the record also reveals that the Plaintiff No.1 has already been examined as P.W.1 and his son as P.W.2 and they have also been cross-examined from the side of the defendant. In such cross-examination they have denied and disputed the Plaintiff no.1 signature on the sale deed dated 07.07.2000. Learned counsel for the Petitioner further contended that since there is a dispute with regard to the signature of the Plaintiff No.1 and that he has denied such signature in his evidence and that the defendants claim that he has signed the sale deed, the matter should have been referred to

handwriting expert for verification of the Plaintiff's signature on such sale deed.

6. On perusal of the impugned order dated 14.10.2026, this Court observes that the learned trial Court has discussed the issue in detail in the impugned order and finally it has come to a conclusion that in view of the specific denial of the Plaintiff No.1 in his cross-examination that he has not put his signature on the impugned sale deed and on the availability of his admitted signature in the case record there is no necessity to send the signature of the Plaintiff No.1 for verification of the handwriting expert. The learned trial Court has also taken note of the fact that earlier the matter went off to the First Appellate Court in an FAO wherein the suit has also been targeted. Thereafter, the matter was carried to this Court at the instance of the Defendant by filing CMP No.38 of 2026. A coordinate Bench vide order dated 17.08.2026 has already directed for disposal of the suit within three months. After disposal of the previous CMP, the present application under Order 26 Rule 10 has been filed at the instance of the Defendant. By taking note of the aforesaid fact, the learned trial Court has rejected the Plaintiff's prayer for sending the signature of the Plaintiff no.1 for verification of the handwriting expert.

7. In view of the aforesaid categorical finding of the learned trial Court, this Court is not inclined to interfere with the impugned order. Moreover, taking into consideration the scope of Article 227 of the Constitution of India, this Court is of the view that ordinarily this Court would not interfere with the order passed by the learned trial Court unless some glaring illegality is shown or it is demonstrated that some prejudice has been caused to the Party approaching this

Court. However, while disposing of the present application, without interfering with the impugned order, this Court directs the learned trial Court to take note of such facts at the time of final argument, if it is found that the verification of the signature of Plaintiff no.1 by the handwriting expert is required, it shall be open to the learned trial Court to follow such procedure in accordance with law.

8. With the aforesaid observation and direction, the CMP application stands disposed of.

Issue urgent certified copy of this order as per rules.

(A.K. Mohapatra)
Judge

Sisir

Signature Not Verified
Digitally Signed
Signed by: SISIR KUMAR SETHI
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 12-Nov-2026 14:27:15